

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

ERIC PRESCOTT KAY

No. 4:20-CR-269-Y

**GOVERNMENT’S REPLY TO ANGELS BASEBALL LP’S
OPPOSITION TO EXPEDITED BRIEFING**

Angels Baseball LP asks this Court to provide it with ten full days to respond to the government’s motion to compel. (Dkt. No. 39.) While the government agrees that the Angels should be given appropriate time to respond, seven days is appropriate here. That is especially so where the Angels have known for more than one year that the government would seek the documents that remain in dispute, have objected for as many months to their discoverability, and have already set out their legal positions—both in writing and in phone calls—numerous times over the past four weeks. Because the Angels have researched the law and made their legal arguments to the government, seven full days from today—a day after receiving the government’s motion to compel—is appropriate to present those arguments to the Court.

Moreover, this Court should be allotted ample time to resolve this dispute, which must be done before the trial. And, should the Court ultimately order the Angels to comply with its subpoena, the United States should be allotted appropriate time to (1) make the necessary and required disclosures to Mr. Kay, and (2) use those documents as it prepares for trial.

Accordingly, the government respectfully requests that the Court enter the following briefing schedule: (1) the Angels's response to be due within seven days—no later than August 31, 2021, and (2) the government's reply due no later than September 3, 2021. If the Court agrees, the government respectfully asks that any hearing in this matter be set for the week of September 6. That schedule will permit the Court sufficient time to review *in camera* any documents then-in dispute and, if necessary, order production so that both the United States and Eric Kay can use those documents as the parties prepare for trial.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on August 24, 2021, I filed this reply with the clerk of court for the U.S. District Court, Northern District of Texas through the electronic filing system, which will generate service to all counsel of record. I will also serve by email a copy of this reply on each counsel listed as attorneys for Angels Baseball, LP, Moreno Baseball, LP, and Moreno Baseball Companies, Inc.

s/ Jonathan Bradshaw
Jonathan Bradshaw
Assistant United States Attorney